



6
7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 *Javier Morales Carballo*

14 Defendant.

Case No. 08-2319-M

15 ORDER OF PRETRIAL DETENTION
16 AFTER HEARING
17 (18 U.S.C. § 3142)

I.

18 A. On motion of the Government involving an alleged:
19 1. crime of violence;
20 2. offense with maximum sentence of life imprisonment or death;
21 3. narcotics or controlled substance offense with maximum
22 sentence of ten or more years;
23 4. any felony where defendant convicted of two or prior offenses
24 described above; or,
25 5. any felony that is not otherwise a crime of violence that involves
26 a minor victim, or possession or use of a firearm or destructive
27 device or any other dangerous weapon, or a failure to register
28 under 18 U.S.C. § 2250.

1 B. On motion (by the Government)/() (by the Court sua sponte involving):

2 1. a serious risk defendant will flee; or,

3 2. a serious risk defendant will

4 a. obstruct or attempt to obstruct justice.

5 b. threaten, injure, or intimidate a prospective witness or

6 juror or attempt to do so.

7 II.

8 The Court finds no condition or combination of conditions will reasonably assure:

9 A. appearance of defendant as required;

10 and/or

11 B. safety of any person or the community.

12 III.

13 The Court has considered:

14 A. the nature and circumstances of the offenses;

15 B. the weight of evidence against the defendant;

16 C. the history and characteristics of the defendant; and,

17 D. the nature and seriousness of the danger to any person or to the

18 community.

19 IV.

20 The Court concludes:

21 A. Defendant poses a risk to the safety of other persons or the community
22 because: Prior record; no background
information provided; on probation

23

24 B. History and characteristics indicate a serious risk that defendant will
25 flee because: no background information
provided; unknown financial resources; illegal resident;
prior deportations; or probation; prior FTA.

C. () A serious risk exists that defendant will:
1. () obstruct or attempt to obstruct justice

2. () attempt to threaten, injure or intimidate a witness/juror.

These findings are based on the following:

D. () Defendant has not rebutted by sufficient evidence to the contrary the presumptions provided in 18 U.S.C. § 3142(e).

V

A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.

D. IT IS FURTHER ORDERED that, on order of a court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 19, 2008

CAROLYN TURCHIN